

7/ Election  
8/ 8/02  
8/6/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re DESIGN APPLICATION of

**GIROUARD et al.**

Serial. No.: 09/877,188

Group Art Unit: 3611

Filed: June 11, 2001

Examiner: M. Luby

FOR: SNOWMOBILE PASSENGER  
POSITIONING

RECEIVED  
AUG 02 2002  
GROUP 3600

August 1, 2002

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

In response to the Examiner's Election of Species Requirement of July 2, 2002, Applicants elect with traverse the embodiment of Species V (Figures 6A & 6B) for further prosecution. All of the pending independent claims (i.e., claims 1, 26, 52, 67, 77, 84, 92, 100, and 104) read on the embodiment disclosed in Figures 6A and 6B (Species V). Furthermore, the following dependent claims also read on the embodiment disclosed in Figures 6A and 6B: claims 2-7, 11-14, 18-21, 25, 30-40, 44-47, 51, 61-66, 68-72, 76, 78-83, 85-91, 93-99, 101-103, and 105-108.

Applicants traverse the Examiner's Election of Species Requirement for the following reasons. To maintain the restriction would result in undue prosecution costs and the unnecessary use of extra patent office resources. Moreover, the public would also suffer since disclosure of the remaining groups will be delayed, and review of multiple patents and prosecution histories will be required to determine potential infringement of a single vehicle. Furthermore, it is also respectfully submitted that the subject matter of all of the species is sufficiently related that a thorough search and examination for the subject matter of any one species would necessarily encompass the search and examination of the remaining species. The application can thus be searched and examined without serious burden. MPEP § 803 sets for the criteria for a proper requirement for restriction: (A) the inventions must be independent or distinct as claimed; and (B) there must be a serious burden on the

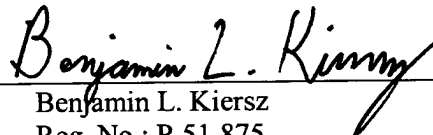
examiner. As also stated in MPEP § 803, "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Because MPEP § 802.02 defines restriction as both restriction between distinct inventions and election of species requirements, it is clear that the requirement of a serious burden applies regardless of the nature of the restriction requirement. Accordingly, it is respectfully submitted that the election of species requirement is improper and should be withdrawn.

Early favorable action on the merits of this application is respectfully requested.

Respectfully submitted,

PILLSBURY WINTHROP LLP

By



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Appln. No.: 09

Series Code ↑

877,188

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Washington, D.C. 20231

AUG 01 2002

PATENT &amp; TRADEMARK OFFICE

Group Art Unit 3611

Examiner: M. Luby

Atty. Dkt. P 257000

RP-00063-US4

M#

Client Ref

Appln. Title: SNOWMOBILE PASSENGER  
POSITIONING

Sir:

## REPLY/AMENDMENT LETTER

Date: August 1, 2002

This is a reply/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated hereinto by reference and the signature below is treated as the signature to the attachment in absence of a signature thereto.

## FEE REQUIREMENTS FOR CLAIMS AS AMENDED

1. Small Entity claim

- A. ☒ NOT made  
B. ☐ Withdrawn  
C. ☐ made herewith  
D. ☐ made previously

For B & C  
See **Required**  
**Separate Paper**  
(Pat-256)

| Claims remaining after amendment  | Highest number previously paid for | Present Extra | Large/Small Entity  | Additional Fee | Fee Code Lg/Sm                                      |
|---|------------------------------------|---------------|---|----------------|---|
| 2. Total Effective Claims   | **minus 0                          | 0             | x \$18/\$9 =  | + \$0          | 103/203   |
| 3. Independent Claims   | ***minus 0                         | 0             | x \$84/\$42 =   | + \$0          | 102/202   |
| 4. If amendment enters proper multiple dependent claim(s) into this application for first time (leave blank if this is a reissue application) ..... add |                                    |               | + \$280/\$140 =   | + \$0          | 104/204   |
| 5. Original due Date: August 1, 2002 <input type="checkbox"/> NONE  |                                    |               |   |                |   |
| 6. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached             |                                    |               | (1 mo) \$110/\$55 =<br>(2 mos) \$400/\$200 =<br>(3 mos) \$920/\$460 =<br>(4 mos) \$1,440/\$720 =<br>(5 mos) \$1,960/\$980 = | + \$0          | 115/215<br>116/216<br>117/217<br>118/218<br>128/228 |
| 7. Enter any previous extension fee paid since above original due date and subtract   |                                    |               | - \$0   |                |   |
| 8. Extension Fee  |                                    |               | + \$0   |                |   |
| 9. If Terminal Disclaimer attached, add Rule 20(d) official fee .....   |                                    |               | + \$110/\$55  | + \$0          | 148/248   |
| 10. If IDS attached requires Official Fee under Rule 97 (c), ..... add  |                                    |               | + \$180   | + \$0          | 126   |
| or if Rule 97(d) Request ..... add  |                                    |               | + \$180   |                | 126   |
| 11. After-Final Request Fee per rules 129(a) and 17(r) .....  |                                    |               | + \$740/370   | + \$0          | 146/246   |
| 12. No. of additional inventions for examination per Rule 129(b).....   |                                    |               | x \$740/370 ea  | + \$0          | 149/249   |
| 13. Request for Continued Examination (RCE) .....   |                                    |               | + \$740/370   | + \$0          | 1179/1279   |
| 14. Petition fee for .....  |                                    |               | + \$0   |                |   |
| 15. TOTAL FEE =   |                                    |               | \$0   |                |   |
| 16. *If the entry in this space is less than entry in next space, the "Present Extra" result is "0".  |                                    |               |   |                |   |
| 17. **If the "Highest number previously paid for" in this space is less than 20, write "20" in this space.  |                                    |               |   |                |   |
| 18. ***If the "Highest number previously paid for" in this space is less than 3, write "3" in this space.   |                                    |               |   |                |   |
|   |                                    |               | PLEASE CHARGE OUR DEP. ACCT   |                |   |

Our Deposit Account No. 03-3975)

(Our Order No. 009919 257000

C#

M#

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

Query: Is appeal deadline now? If so, file Notice of Appeals separately.

Pillsbury Winthrop LLP

Intellectual Property Group

By Atty: Benjamin L. Kiersz

Sig:

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NOTE: File this application with the USPTO